

1 STACEY FULHORST, Executive Director
City of San Diego Ethics Commission
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San Diego, CA 92101
3 Telephone: (619) 533-3476
4 Facsimile: (619) 533-3448

5 Petitioner

6
7 **BEFORE THE CITY OF SAN DIEGO**
8 **ETHICS COMMISSION**
9

10 In re the Matter of:) Case No.: 2006-62
11)
GLORIA TYLER-MALLERY,) **STIPULATION, DECISION, AND**
12) **ORDER**
Respondent.)
13)
_____)

14 **STIPULATION**

15 **THE PARTIES STIPULATE AS FOLLOWS:**

16 1. Petitioner Stacey Fulhorst is the Executive Director of the City of San Diego
17 Ethics Commission [Ethics Commission]. The Ethics Commission is charged with a duty to
18 administer, implement, and enforce local governmental ethics laws contained in the San Diego
19 Municipal Code [SDMC] relating to, among other things, the filing of campaign statements as
20 required by the City's Election Campaign Control Ordinance [ECCO].

21 2. Respondent Gloria Tyler-Mallery [Respondent] was a candidate in the November
22 16, 2004, special election for City Council District 4.

23 3. The Friends of Gloria Tyler-Mallery committee [Committee] is a campaign
24 committee (Committee Identification No. 1271465) established to support Respondent's
25 candidacy in the District 4 City Council race. The committee has not yet been terminated. At all
26 relevant times herein, the committee was controlled by Respondent within the meaning of the
27 California Political Reform Act, California Government Code section 82016.

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1 4. This Stipulation will be submitted for consideration by the Ethics Commission at
2 its next scheduled meeting, and the agreements contained herein are contingent upon the
3 approval of the Stipulation and the accompanying Decision and Order by the Ethics
4 Commission.

5 5. This Stipulation resolves all factual and legal issues raised in this matter by the
6 Ethics Commission without the necessity of holding an administrative hearing to determine
7 Respondent's liability.

8 6. Respondent understands and knowingly and voluntarily waives any and all
9 procedural rights under the SDMC, including, but not limited to, a determination of probable
10 cause, the issuance and receipt of an administrative complaint, the right to appear personally in
11 any administrative hearing held in this matter, the right to confront and cross-examine witnesses
12 testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to
13 have the Ethics Commission or an impartial hearing officer hear this matter. Respondent agrees
14 to hold the City of San Diego harmless from any and all claims or damages resulting from the
15 Commission's investigation or this stipulated agreement, or any matter reasonably related
16 thereto. Respondent further agrees that the terms of this Stipulation constitute compliance with
17 the provisions of SDMC section 26.0450 in that the Stipulation includes a recitation of facts, a
18 reference to each violation, and an order.

19 7. Respondent acknowledges that this Stipulation is not binding upon any other law
20 enforcement or government agency and does not preclude the Ethics Commission from referring
21 this matter to, cooperating with, or assisting any other law enforcement or government agency
22 with regard to this or any other related matter.

23 8. The parties agree that in the event the Ethics Commission refuses to accept this
24 Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics
25 Commission rejects the Stipulation and a full evidentiary hearing before the Ethics Commission
26 becomes necessary, no member of the Ethics Commission or its staff shall be disqualified
27 because of prior consideration of this Stipulation.

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18. Respondent has a prior history of not timely filing campaign statements. In particular, Respondent was a candidate in the February 27, 2001, special election for City Council District 8, and failed to file her campaign statement for the period ending June 30, 2002, until November 15, 2002, more than four months late.

Conclusion

19. Respondent agrees to file all overdue campaign statements and terminate the Committee no later than April 6, 2007.

20. Respondent agrees to pay a fine in the amount of \$500 for violating SDMC section 27.2930. This amount must be paid no later than August 1, 2007, by check or money order made payable to the City Treasurer. Respondent acknowledges that if the fine is not timely paid in full, the Commission may refer the collection of the fine to the City Treasurer's Collection Division, which may pursue any or all available legal remedies to recover late penalties, interest, and costs, in addition to seeking the outstanding balance owed.

The submitted payment will be held pending Commission approval of this Stipulation and execution of the Decision and Order set forth below.

DATED:_____

STACEY FULHORST, Executive Director
ETHICS COMMISSION, Petitioner

DATED:_____

GLORIA TYLER-MALLERY, Respondent

DECISION AND ORDER

The Ethics Commission considered the above Stipulation at its meeting on _____, 2007. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$500.

DATED: _____

Dorothy Leonard, Chair
SAN DIEGO ETHICS COMMISSION